

REMARKS

In the November 5, 2004 Office Action, the Examiner noted that claims 1-23 were pending in the application, but claims 15-17, 20 and 23 had been withdrawn; rejected claims 1-9, 14, 18, 19, 21 and 22 under 35 U.S.C. § 102(e); and rejected claims 10-13 under 35 U.S.C. § 103. In rejecting the claims, U.S. Patents 6,266,649 to Linden et al. and 6,370,513 to Kolawa et al. (References A and B, respectively) were cited. Claims 1-23 have been cancelled and claims 24-32 have been added. Since all of the claims initially examined claims have been cancelled, the distinctions of the present invention as recited in the remaining claims 24-32 over the combination of Kolawa et al. and Linden et al. will be discussed.

First, it is noted that Kolawa et al. is directed to the selection, organization and recommendation of items, based on items previously sampled by the user that the user has liked. The embodiment disclosed in the greatest detail relates to foods prepared according to recipes for consumption by a family, although use of the system to recommend compact discs or books is also mentioned. On the other hand, Linden et al. is directed to a system for making collaborative recommendations using item-to-item similarity mappings; in other words, recommendations to a customer based on items purchased by other customers who purchased at least some of the same items as the customer receiving the recommendations. No specific portions of Linden et al. were cited, while the cited portions of Kolawa et al. relate to maintaining an inventory of food in a household, querying likes and dislikes, and the problem of relying on recommendations of others due to the difficulty of finding someone whose likes and dislikes are similar to the person(s) receiving the recommendations.

Neither Kolawa et al. nor Linden et al. teach or suggest "consolidating ... records concerned with unwanted products, and presenting ... [the] results of said consolidating to potential buyers" (claim 24, last 2 lines). The system disclosed by Linden et al. appears to relate only to products purchased from an initial seller by customers. No suggestion has been found in either reference of receiving or maintaining records based on "unwanted product specifiers, each specifying an unwanted product any of the customers does not want any more" (claim 24, lines 7-8). Since claims 25-28 and 32 recite limitations similar to those quoted above from claim 24, it is submitted that claims 24-28 and 32 patentably distinguish over Kolawa et al. in view of Linden et al. for at least the reasons discussed above.

On page 5 of the Office Action, it was asserted (without citing any support in Linden et al.) that Linden et al. discloses making recommendations based on items in "a designated shopping cart" (Office Action, page 5, line 10). Nothing has been cited or found in Linden et al. that Linden et al. has any record of items possessed by a customer or determines "when receiving a purchase order for an identified product transmitted from the customer ... whether the identified product is in possession of the customer" (claim 29, lines 8-10) and then informing the customer when such a determination is made" (see claim 29, last two lines). Although Kolawa et al. discloses inventory control, no suggestion has been found of generating a notification like that recited in claim 29 in response to a user's decision to order an item. Therefore, it is submitted that claim 29 patentably distinguishes over Kolawa et al. in view of Linden et al.

Furthermore, it is submitted that claim 20 patentably distinguishes over the combination of Kolawa et al. and Linden et al. because neither is directed to a "method for managing a selling-range of available products and possessed products in possession of a customer in an interrelated manner" (claim 30, lines 1-3) where records are maintained concerning "a first product possessed by a customer" (claim 30, line 4) and "a second product the customer has used but does not possess" (claim 30, lines 7-8). Therefore, it is submitted that claim 30 patentably distinguishes Kolawa et al. in view of Linden et al.

Finally, claim 31 recites details of maintaining five kinds of record types based on five types of product specifiers, and then "removing identified products from a selling-range of products offered to the customer" (claim 31, line 18) based on products "the customer possesses" (claim 31, line 6-7), "the customer has already purchased" (claim 31, lines 10-11), "the customer does not need to possess any more that the customer still possesses" (claim 31, lines 12-13, and that "the customer does not need to possess that the customer has purchased" (claim 31, lines 14-15). No suggestion has been cited or found in Kolawa et al. or Linden et al. of maintaining such records.

For the above reasons, it is submitted that the cited references, taken individually or in combination, do not teach or suggest the features of the present claimed invention. Thus, it is submitted that claims 24-32 are in a condition suitable for allowance. Reconsideration of the claims and an early Notice of Allowance are earnestly solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

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If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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